

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RAJENDRA D. BADGAIYAN, M.D.,)
Plaintiff,)
v.)
ANTHONY J. PRINCIPI, Secretary,) Civil Action No.
Department of Veterans Affairs;) 04-12031-JLT
President and Fellows of)
HARVARD COLLEGE; and GRACE J.)
MUSHRUSH, M.D.,)
Defendants.)

)

**THE DEPARTMENT OF VETERANS AFFAIRS'
MOTION FOR SUMMARY JUDGMENT
PURSUANT TO FED. R. CIV. P. 56**

Now comes the defendant, Anthony J. Principi, Secretary of the Department of Veterans Affairs, (the "VA"), by and through its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, and moves this Court for Summary Judgment pursuant to Fed. R. Civ. P. 56.

For the reasons set forth in the VA's attached Memorandum of Law with supporting Exhibits, and its Local Rule 56.1 Statement of Facts, the undisputed material facts show that the VA is entitled to judgment in its favor.

WHEREFORE, based on the arguments and authorities stated in this Motion and attached Memorandum of Law with supporting Exhibits, and its Local Rule 56.1 Statement of Facts, the VA moves this Court to grant its Motion for Summary Judgment.

Respectfully submitted,

MICHAEL J. SULLIVAN
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on September 29, 2006.

/s/ Rayford A. Farquhar
Rayford A. Farquhar

CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2), on diverse dates I spoke with Attorney Gregory R. Barison and we were unable to resolve the issues presented in this Motion for Summary Judgment.

/s/ Rayford A. Farquhar
Rayford A. Farquhar
Assistant U.S. Attorney